REMARKS

The Restriction Requirement is traversed.

The present application was filed in accordance with 35 U.S.C. §371. Restriction between claims in applications filed under §371 are proper only if there is a lack of unity of invention, i.e., the claims are not so linked as to form a single generic inventive concept. Unity of invention exists where there is a technical relationship among the inventions involving one or more special technical feature. A special technical feature is defined as a technical feature that defines a contribution which each of the inventions considered as a whole, makes over the prior art. See M.P.E.P. §1850 and §1875.01.

In the Office Action mailed September 3, 2003, the Examiner has not alleged that the claims lack unity of invention but argued that Groups I and II are "unrelated." Respectfully, this is not a proper criterion for determining restriction in applications filed under 37 C.F.R. §371. Applicants submit that claims 1-13 form a single general inventive concept under PCT Rule 13.1.

Further, MPEP §803 states that an application may be properly restricted to one or more claimed inventions only if (1) the inventions are independent or distinct as claimed, and (2) there is a serious burden on the Examiner if restriction is not required. Thus, even if appropriate reasons exist for requiring restriction, such a requirement should not be made unless there is an undue burden on the Examiner to examine all of the claims in a single application.

Here, it would seem that search and examination of the elected and non-elected inventions would substantially overlap.

For at least all of the above reasons, withdrawal of the Restriction Requirement, and examination of all claims in the application are respectfully requested.

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683.

Respectfully submitted,

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